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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
)	
Amendment of the Commission's Rules)	PR Docket No. 92-257 /
Concerning Maritime Communications)	
)	
Petition for Rule Making Filed by)	RM-9664
RegioNet Wireless License, LLC)	

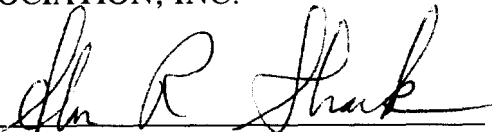
To: The Commission

**COMMENTS OF THE
AMERICAN MOBILE TELECOMMUNICATIONS ASSOCIATION, INC.**

Respectfully submitted,

AMERICAN MOBILE TELECOMMUNICATIONS
ASSOCIATION, INC.

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February 6, 2001

The American Mobile Telecommunications Association, Inc. ("AMTA" or "Association"), by its attorneys and in accordance with Section 1.415 of the Federal Communications Commission's ("FCC" or "Commission") rules and regulations, respectfully submits its comments in the above-entitled proceeding.¹ AMTA supports the FCC's prior efforts to increase the operational and technical flexibility in this spectrum band, and generally supports the FCC's proposals in this proceeding. In support thereof, the following is provided.

I. INTRODUCTION

1. AMTA is a nationwide, non-profit trade association dedicated to the interests of the specialized wireless communications industry. The Association's members include trunked and conventional 800 MHz and 900 MHz Specialized Mobile Radio ("SMR") operators, and commercial licensees in the 220 MHz and 450-512 MHz bands. Many of AMTA's members are Commercial Radio Service Providers ("CMRS") and are authorized to provide land-based as well as maritime service. Accordingly, AMTA's members have an interest in the outcome of this proceeding.

II. BACKGROUND

2. Since 1994, the Commission has been reviewing and amending its rules to bring increased flexibility to the use of maritime spectrum. Specifically with regard to Automated Maritime Telecommunications Systems ("AMTS") spectrum, the process to increase operational flexibility began when the FCC classified AMTS stations as Commercial Mobile Radio Service

¹ *Third Further Notice of Proposed Rule Making*, PR Docket No. 92-257, FCC 00-370 (rel. Nov. 16, 2000) ("Notice" or "FNPR").

("CMRS").² In the *Second Report and Order* in this proceeding, the Commission decided to permit AMTS public coast stations to provide service to units on land, so long as water-based transmissions received priority.³ In the *Fourth Report and Order*, the Commission supported the "use of AMTS licenses to provide fixed or hybrid CMRS service on a co-primary basis with mobile services" reasoning that "affording AMTS licensees operational flexibility will enhance their ability to meet customer requirements and demand, and promote regulatory parity among maritime CMRS providers."⁴ In this Notice, the Commission seeks comment on whether to convert the current AMTS site-based licensing to geographic licensing with licenses awarded by auction. AMTA supports the Commission's proposal as a natural extension of the Commission's efforts to provide full operational flexibility for AMTS spectrum and regulatory symmetry with other CMRS services.

III. DISCUSSION

A. The Geographic Service Area Should be Defined by Redistributing Inland VPC Geographic Areas Among Surrounding Maritime VPCs.

3. AMTA supports the Commission's proposal to convert the current AMTS site-based licensing to geographic area licensing. A geographic area licensing scheme is consistent with the licensing framework of other CMRS services⁵ and, therefore, would achieve the statutory

² *Second Report and Order*, GN Docket No. 93-252, 9 FCC Rcd. 1411 (1994)("2nd R&O").

³2nd R&O, 12 FCC Rcd at 16964-65;47 C.F.R. § 80.123(b).

⁴*Fourth Report and Order*, Pr Docket No. 92-247, FCC 00-370, at ¶23 (rel. Nov. 16, 2000).

⁵*See* 47 C.F.R. §§ 90.617(d) (800 MHz and 900 MHz); 90.723 (220 MHz).

objective of regulatory symmetry. AMTA also agrees that geographic area licensing, whereby geographic licensees would be permitted to place transmitters anywhere within the licensed area, will promote the expansion of current AMTS systems, as well as foster the development of new systems. The challenge, however, is to adopt a desirable service area and channelization plan which will support current and future uses in this band.

4. The Commission seeks comment on the appropriate definition of AMTS geographic licensing areas.⁶ Previously, the Commission established VHF Public Coast Areas ("VPCs") as the geographic base for VHF maritime licensing: nine maritime VPCs near major waterways based on U.S. Coast Guard Districts and thirty-three inland VPCs based on Economic Areas ("EAs"). This delineation was adopted, in part, because this spectrum is shared with certain private land mobile radio ("PLMR") services in geographic areas distant from waterways.⁷ However, since AMTS spectrum is not shared inland with PLMR services, the Commission has asked whether the inland VPCs should be combined into a single area or redistributed among the nine surrounding maritime VPCs. Alternatively, the FCC has asked whether AMTS service areas should be consistent with the adjacent 220 MHz scheme with nationwide, Regional Economic Area Groupings ("REAG"), and EA groupings.

5. The Association recommends that the AMTS geographic area be defined by incorporating the inland VPCs into the surrounding maritime VPCs. By redistributing the inland VPCs among the surrounding maritime VPCs, the Commission will be creating larger service

⁶FNPR at ¶32.

⁷ *Third Report and Order*, PR Docket No. 92-257, 13 FCC Rcd 19853, 19862 (1998).

areas with greater incumbent presence. This, in turn, is likely to attract investors and manufacturers to this band, both of which are needed to realize fully the efficient and competitive use of this spectrum.

6. AMTA opposes adopting a geographic area licensing scheme similar to that adopted in the 220 MHz band. At 220 MHz, the Commission created a multilayered geographic licensing scheme assigning 30 channels for nationwide licenses, five blocks (composed of 10 channels in each block) in six 175 EAs and six REAG.⁸ The Commission already recognizes that, since there are only two AMTS frequency blocks, it could not adopt all three of the 220 MHz licensing schemes. In AMTA's opinion, adopting any two of those configurations would not result in optimal utilization of this band. A smaller number of larger geographic areas generally have proven more effective in attracting the product manufacturers and investment capital which are essential to the development of competitive CMRS services. Moreover, larger licensing areas will reduce the likelihood that certain smaller, rural areas will not be licensed at all. Rural implementation typically lags behind urban build-out, but is more likely to occur in a reasonable time frame if the rural area is part of a larger market anchored in a more urban area.

B. A and B Block Channelization Plan

7. AMTA supports retaining the current A and B block channelization plan. It opposes as unnecessarily restrictive the FCC's tentative determination to prohibit a single geographic licensee from acquiring more than one AMTS frequency block in the same geographic

⁸*Third Report and Order*, PR Docket No. 89-552, 12 FCC Rcd 10943 (1997).

area, either at auction or by partitioning or disaggregation.⁹ First, it is AMTA's understanding that certain AMTS licensees already hold both blocks in their service area. Second, unless warranted by the prospective danger to consumers of excessive concentration in the marketplace, the FCC has followed a policy of permitting those entities who most desire the spectrum to obtain it at and post auction. In light of the very small amount of spectrum under consideration herein, and the relative plentitude of other CMRS spectrum reservoirs, those competitive concerns should not arise in this instance.

C. Further Public Safety Allocation Is Unnecessary

8. AMTA recommends against setting aside a portion of the AMTS channels for public safety use as unnecessary in light of the Commission's previous spectrum allocations for public safety users. As the Commission itself noted, it already has set aside two channels in each inland VPC for public safety use, and has allocated channels in the adjacent 220 MHz band for public safety use.¹⁰ Additionally, the Commission recently allocated 24 MHz of spectrum in the 746-806 MHz band for public safety eligibles.¹¹ While AMTA recognizes the FCC must be sure it has accommodated the vital needs of certain public safety applications, the Association believes the Commission's efforts in this respect are better focused on other bands.

⁹FNPR at ¶44.

¹⁰*Id.* at ¶33.

¹¹*Report and Order*, ET Docket No. 97-157, 12 FCC Rcd 22953 (1998).

D. Treatment of Incumbents/Co-Channel Protection

9. The Commission proposes that incumbent licensees retain their current authorizations and be permitted to transfer, assign, or modify their licenses, so long as the modifications do not extend the systems' service areas.¹² Additionally, geographic area licensees will be required to protect co-channel incumbents. AMTA agrees with these general principles.¹³ However, it does not support the incumbent service contour or co-channel protection standard proposed by the FCC.

10. Since the current rules do not define co-channel interference protection, the Commission seeks comment on whether the 220 MHz standard is appropriate for AMTS spectrum. AMTA does not advocate the use of the 220 MHz co-channel protection standard for this band.¹⁴ Rather, AMTA believes that the AMTS co-channel protection standard should be based on a 17 dBuV/m service contour. AMTA has been advised that AMTS incumbents have relied on the 17 dBuV/m contour to define their service areas. Adopting the 38 dBu standard would reduce their existing service areas, while retaining the 17 dBuV/m contour would have no adverse effect on any incumbent and only a minimal effect on geographic licensees, particularly if the Commission adopts the larger service areas that distributing the inland VPCs among the maritime VPCs affords. Thus, the Association recommends adoption of the 17 dBuV/m standard in this band.

¹²FNPR at ¶36.

¹³*Id.* at ¶ 35.

¹⁴The 220 MHz band co-channel interference protection standard utilizes a 38 dBuV/m service contour.

E. AMTA Supports Operational Flexibility

11. The Commission's current rules require AMTS providers to serve a substantial navigational area along a coastline or sixty percent of one or more inland waterways.¹⁵ AMTA supports the Commission's proposal to eliminate this requirement, provided that when maritime service is offered, water-based transmissions are given priority access to the spectrum. Eliminating the requirement to serve waterways furthers the goal of providing operational flexibility in this band and regulatory symmetry with other CMRS providers.

F. Adoption of Partitioning and Disaggregation Rules Is Appropriate

12. The Commission tentatively concludes that it should replicate the partitioning and disaggregation provisions adopted for VHF public coast station geographic area licenses in this band.¹⁶ AMTA supports rules that would permit both disaggregation and partitioning of AMTS geographic licenses. In AMTA's opinion, the market is a more accurate determinant of the optimal configuration of this spectrum than is government regulation.

G. Competitive Bidding Issues

13. The Notice describes the competitive bidding or auction procedures the FCC proposes to apply in the event it receives mutually exclusive applications.¹⁷ These rules generally parallel the provisions governing auctions in numerous other services. AMTA supports these proposals as consistent with other CMRS auction rules.

¹⁵47 C.F.R. § 80.475(a).

¹⁶FNPR at ¶55.

¹⁷*Id.* at ¶ 75.

IV. CONCLUSION

14. For the reasons described above, AMTA requests that the FCC proceed expeditiously to adopt final rules in this proceeding consistent with the recommendations herein.

CERTIFICATE OF SERVICE

I, Linda J. Evans, a secretary in the law office of Lukas, Nace, Gutierrez & Sachs, hereby certify that I have, on this February 6, 2001 caused to be mailed, first-class, postage prepaid, a copy of the foregoing Comments to the following:

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